REMARKS

Reconsideration and allowance are respectfully requested in view of the following remarks. Claims 1-3, 6-15, 19, 21-35, 39-55, and 57-65 are pending in this application. Claims 4-5, 16-18, 20, 36-38, and 56 have been canceled without prejudice. Claims 59-61 have been withdrawn from further consideration.

A clean copy of the currently pending claims is provided in the appendix for the Examiner's convenience.

Rejection of the Claims

Claims 1-3, 6-15, 21-23, 25-26, 32-35, 40, 42-43, 45-46, 51, 53-55, 58, and 62-65 were rejected under 35 U.S.C. 102(e) as being anticipated by PCT Published Application No. WO0191866A1 (Harkham).

Claims 19, 24, 27-31, 39, 41, 44, 47-50, and 52, were rejected under 35 U.S.C. 103(a) as being unpatentable over Harkham in view of US Published Application No. US20020087876A1 (Larose).

These rejections are respectfully traversed.

Summary of Telephone Interview

Applicant wishes to thank the Examiner for the courtesy of a telephonic interview on October 24, 2006. During said interview, Applicant solicited the Examiner's suggestion for possible claim amendments to put the claims in condition for allowance. The Examiner very kindly provided high level directions, but was unable to recommend specific claim amendments. Applicant also tried to explain the two different objectives of the claimed invention and the prior art, as well as the distinction between gaming machines and personal computers and the software that would be executed by one versus the other. No agreement was reached.

Arguments in Support of the Claims

Applicant respectfully disagrees with the Examiner that the claims are anticipated by Harkham under 35 USC 102(b). In order to anticipate a claim, every element and every

limitation of the claim must be found in a single prior art reference, arranged as in the claim. *Brown v. 3M*, 265 F.3d 1349, 1351, 60 USPQ2d 1375 (Fed. Cir. 2001), *cert. denied*, 122 S. Ct. 1436 (2002). The test for anticipation is whether the claim reads on the product or process disclosed in the prior art, **not on what that reference broadly teaches**. *SSIH Equip. S.A. v. United States Int'l Trade Comm'n*, 718 F.2d 365, 218 USPQ 678 (Fed. Cir. 1983). In the present application, Harkham fails teach at least the aspect of the independent claims wherein the gaming machine are configured for conducting a wagering game.

The Examiner contends that Harkham discloses the gaming machine configuration aspect of the claimed invention on page 13, lines 27-35. To the contrary, Applicant respectfully submits that the cited passage actually teaches away from the configuration of the claimed invention in so far as it touts the virtually transparent operation of software on-demand applications. The passage states, for example, that the software may be downloaded to a client device and executed almost instantaneously without the time-consuming installation process or the need to store the software on the hard drive. *See, e.g., page 13, lines 31-33.* In other words, no configuration is necessary because the software can just run on the client device without modifying, altering or otherwise tampering with the client device.

In addition to the above difference, there appears to be at least one other fundamental difference between the claimed invention and the system and method of Harkham. In Harkham, to the extent audio and video content are mentioned, they are described only with respect to the table games. *See, e.g., page 11, lines 31-33.* Furthermore, the audio and video content described are real-life audio and video content that are captured by video cameras and microphones placed around the gaming tables. *Id.* It is these audio and video content, **and only these audio and video content**, that are ever transmitted through Harkham's central gaming server, not the audio and video content of any wagering game. *See, e.g., page 10, lines 10-12.* Nowhere does Harkham disclose or suggest transmitting the audio and video content of a wagering game (i.e., the sounds and sights displayed during play of the wagering game) through a central gaming server.

Applicant respectfully submits that the Examiner overlooked the above distinction and, as a result, has intermingled the two concepts in the rejection of the claims. Independent claimed

10, for example, recites downloading of audiovisual content of a wagering game from a central server system to a gaming machine. Similarly, dependent claims 6 and 7 recite downloading audiovisual content of a wagering game from a central server to a gaming machine. But as explained above, nowhere does Harkham disclose or suggest downloading/transmitting the audio and video content of a wagering game. Harkham only discloses transmitting the audio and video content captured by the cameras and microphones at the gaming tables.

Harkham does disclose allowing remotely located players to remotely play slot machines in a casino. However, with respect to these slot machines, Harkham only discloses transmitting the statistics associated with the slot machines, not the audio and video content of the slot machines. Applicant respectfully submits that there are numerous ways to remotely play a slot machine without necessarily transmitting its audio and video content (e.g., transmitting the outcome of the wagering game as text).

As for Larose, it is difficult to see how this reference relates to wagering games at all, much less derive motivation to combine it with Harkham. Larose merely discloses a remote software distribution process involving multiple versions of the software. In any event, because Harkham fails to disclose downloading/transmitting the audio and video content of a wagering game to a gaming machine, even if there were motivation to combine (which there is not), Applicant respectfully submits that the resulting combination would not produce the claimed invention.

Accordingly, based on the foregoing, Applicant respectfully requests withdrawal of the rejections against independent claims 1, 10, 31, and 52 and all claims dependent therefrom.

CONCLUSION

In view of the above, it is believed that the currently pending claims are in condition for allowance, and the Examiner is respectfully requested to pass this application to issuance. If there are further questions or comments, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

Dated: November 13, 2006

Respectfully submitted,

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